

Subcommittee on Communications and Technology hearing titled, “Strengthening Our  
Communications Networks to Meet the Needs of Consumers”

October 6, 2021

Congressman Bobby L. Rush Questioning with Witness Cheryl A. Leanza, Policy Advisor,  
United Church of Christ, Office of Communications, Inc.

RUSH: Ms. Leanza, as you know, I have been working on the prison phone issue for awhile and that is why I introduced the latest version of my work, which is H.R. 2489, which you and others have already commented on. But I have a question that I want to address to you. The question of the proper regulation of phone calls to incarcerated people has been addressed before, at least a decade earlier. Congress originally adopted Section 276 of the Communications Act, which covers this issue, in 1996. But even though Congress gave the FCC the authority to address intrastate calls to prisons and jails, the FCC has not been able to address the issue fully. What has been the impact of the *GTL v. Federal Communications Commission* ruling by the DC Circuit Court of Appeals? What does Congress need to do to improve this situation?

LEANZA: Thanks so much Congressman, thank you for your leadership on this. As you said, Section 276 of the Communications Act addresses this issue, it says that the FTC has authority over inter- and intrastate-owned pay phones, and pay phones includes calls to incarcerating facilities. But unfortunately, a federal court decision said that even though Congress gave the FTC authority over intrastate calls in 1996, it concluded that Congress actually had to amend the law in two places, not just one place, in order to effectuate that change. So, your bill amends Section 2 of the Communications Act, which makes clear that the FTC would have authority.

And the reason this is necessary is that the federal government is often a really important player to preserve the rights and needs of consumers and citizens across the country. Everybody should be treated fairly, and everyone should receive the same consumer protection against unjust and unreasonable rates that all other consumers in this country receive under the Communications Act.

RUSH: Ms. Leanza, several studies, going as far back as the 1970s, have shown that prisoners who are able to maintain close contact with loved ones experience better post-release outcomes and have lower recidivism rates. This is an important aspect of rehabilitation not only for those that are incarcerated and their loved ones, but also for the communities where they reside. Can you please discuss how the current prison phone model discourages this very close, extremely close contact relationship?

LEANZA: Yes. There is no more effective way to improve — and more cost-effective way — to improve outcomes than to give people who are incarcerated close ties to the community outside, so that when they get outside, when they are finished with their term, they can find a job, find a place to live, their family relationships with their children, their spouses, will continue to be strong and vibrant, and they will be able to reenter society fully and successfully.

So, it's a part of safe communities to allow people to successfully reintegrate into society if they can keep those communications vibrant while they are inside.

RUSH: Thank you Mr. Chairman. Thank you so much, I yield back.